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July 26, 1993

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JUL 26 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: MM Docket No. 93-136  
RM-8161  
Key Colony Beach, Key Largo and Marathon, Florida

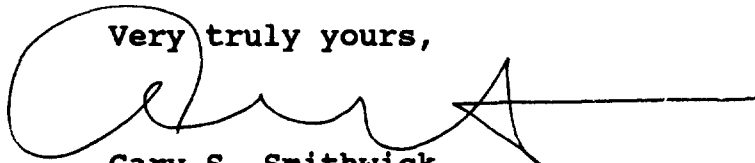
Dear Mr. Caton:

Transmitted herewith, on behalf of Naples Broadcasting Corporation ("NBC"), licensee of Station WGUF(FM), Marco, Florida, are an original and four copies of its Comments and Counterproposal on the above-referenced Notice of Proposed Rule Making.

NBC is a counterproponent for the use of Channel 255A at Naples, Florida, pursuant to MM Docket No. 92-282. If the Commission modifies WGUF's license to operate on Channel 255A, NBC intends to operate on Channel 255A until the Commission acts favorably on its request in MM Docket No. 93-136.

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick  
Counsel for  
NAPLES BROADCASTING CORPORATION

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Enc.

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
Key Colony Beach, Key Largo and )  
Marathon, Florida )

MM Docket No. 93-136

RM-8161

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

**COMMENTS AND COUNTERPROPOSAL**

1 Naples Broadcasting Corporation ("NBC") licensee of WGLI-TV, Marco, Florida

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Commission to amend the FM Table of Allotments as follows:

Channel No.	<u>Present</u>	<u>Proposed</u>
Marco	224A	284C2
Big Pine Key	284C1	283C1

and to modify the license of WGUF, Marco, to specify operation on Channel 284C2 and to modify the license of WWUS, Big Pine Key, to specify operation on Channel 283C1.

3. In accordance with Commission policy, NBC hereby pledges to reimburse the licensee at Big Pine Key for its expenses involved in changing frequencies.

4. NBC hereby affirms that if the proposed change to the Table of Allotments is made as proposed it will promptly file for and build the newly approved facility.

5. Exhibit A of the Engineering Exhibit shows the distance separations for Channel 284C2 at Marco. The allocation is fully-spaced except for (1) the allocation of Channel 284C1 at Big Pine Key which short-spacing would be eliminated by allocating channel 283C1 to Big Pine Key as proposed herein and (2) a short-spacing to the reference point in Solana; the Solana permittee has filed an application at a point which is not short-spaced to this Proposal. (If the C2 proposal at Marco cannot be granted, a C3 proposal can be and is hereby requested if the C2 is denied.)

6. Exhibit B of the Engineering Exhibit shows the distance separations for Channel 284C3 at Marco. The allocation is fully-spaced except for the allocation of Channel 284C1 at Big Pine Key which short-spacing would be eliminated by allocating

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channel 283C1 to Big Pine Key as proposed herein.

7. Exhibit C of the Engineering Exhibit shows the distance separations for Channel 283C1 at Big Pine Key at its current transmitter site. The proposed allocation is fully spaced except for the proposal advanced in RM-8161 to allocate Channel 280C2 to Key Colony Beach in place of Channel 288C2, which proposal is mutually exclusive with this counterproposal.

8. Exhibit D of the Engineering Exhibit is a calculation of the increased service to the public gained by adopting this counterproposal, a total of 59,054 people.

9. SBSF, the petitioner in RM-8161, makes no claim of increased service to the public by its request for reallocating 3 channels. Its request is based on a claim that the reallocation will "reduce the potential for receiver induced third order intermodulation interference that has been observed in some automobiles..." SBSF has provided no evidence of intermodulation interference, nor the extent thereof, nor that reassigning three stations is the only or best method of dealing with such interference, if it exists.

**WHEREFORE**, as the requested changes bring increased and improved service to the public and brings new service to 59,054 people by upgrading WGUF, Naples Broadcasting Corporation, believing this counterproposal to be of greater benefit to the public interest, respectfully petitions the Commission to make the proposed changes to the FM Table of Allotments as contained in this Counterproposal.

**EXHIBIT "EE"**  
**ENGINEERING EXHIBIT**  
**SUPPORTING COMMENTS FOR A COUNTERPROPOSAL TO MM DOCKET NO. 93-136**  
**NAPLES BROADCASTING CORPORATION**  
**TO AMEND THE FM TABLE OF ALLOTMENTS AT:**

**MARCO, FLORIDA**  
**BIG PINE KEY, FLORIDA**

**JULY, 1993**

ENGINEERING STATEMENT  
COUNTERPROPOSAL IN DOCKET 93-136

This Engineering Exhibit has been prepared on behalf of  
Naples Broadcasting, Corp. ("NBC"), Licensee of WGUF(FM), Marco,  
Florida in support of a counterproposal to MM Docket No. 93-136.

The following changes are proposed in Docket No. 93-136:

	Channel No.	
	Present	Proposed
Key Colony Beach, Fl.	288C2	280C2
Key Largo, Fl.	280C2	292C2
Marathon, Fl.	292A	288A

The following changes are counterproposed:

	Channel No.	
	Present	Proposed
Big Pine Key Fl.	284C1	283C1
Marco, Fl.	224A	284C2

Or alternatively:

	Channel No.	
	Present	Proposed
Big Pine Key Fl.	284C1	283C1
Marco, Fl.	224A	284C3

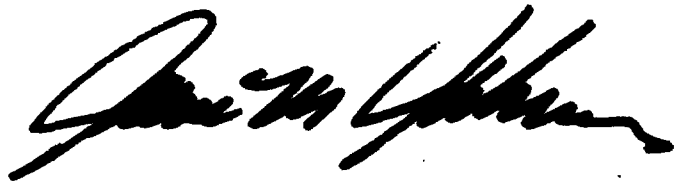
The counterproposal conflicts with Docket No. 93-136 due to  
the incompatibility of the proposed Channel 283C1 at Big Pine Key  
and the proposed Channel 280C2 at Key Colony Beach, Florida.

Channel studies are included (Exhibits A-C) that show  
clearances to all other stations from a reference point that  
provides principle city coverage to Marco.

Engineering Statement  
Docket No. 93-136  
Page 2

The proposed Marco Class C3 reference site is the same as the currently authorized site for WGUF.

Exhibit D is a summary of population data within the 60 dbu contours based on 1990 census data.

A handwritten signature in black ink, appearing to read "James M. Johnson", is written in a cursive style.

JAMES M. JOHNSON & ASSOCIATES  
3750 US 27 NORTH SEBRING FL 33870

EXHIBIT "A"  
PROPOSED WGUF REFERENCE SITE

REFERENCE		DISPLAY DATES
26 05 00 N	CLASS C2	DATA 06-30-93
81 29 15 W	Current rules spacings	SEARCH 07-23-19
----- CHANNEL 284 -104.7 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WWUS.A	284C	Big Pine Key	FL	177.5	157.76	249.0	-91.24 *
ALOPEN	285A	Solana	FL	327.0	100.62	106.0	-5.38 *
WWUS	283C1	Big Pine Key	FL	177.5	157.76	158.0	-0.24 *
WMMY.A	285A	Solana	FL	328.0	105.89	106.0	-0.11 *
WRBQFM	284C1	Tampa	FL	335.0	227.95	224.0	3.95
AD284	284A	White City	FL	35.3	185.41	166.0	19.41
AP284	284A	White City	FL	37.2	186.11	166.0	20.11
AP284	284A	White City	FL	36.8	186.97	166.0	20.97
AP284	284A	White City	FL	36.8	186.97	166.0	20.97
AP284	284A	White City	FL	36.8	186.97	166.0	20.97
DE284	284A	White City	FL	37.2	187.94	166.0	21.94
DE284	284A	White City	FL	37.2	187.94	166.0	21.94
ALOPEN	284A	White City	FL	37.2	187.94	166.0	21.94
WHQT	286C	Coral Gables	FL	95.8	128.61	105.0	23.61
WEATFM	282C	West Palm Beach	FL	66.3	135.82	105.0	30.82
WMMY.C	287A	Solana	FL	327.0	100.62	55.0	45.62



JAMES M. JOHNSON & ASSOCIATES  
3750 US 27 NORTH SEBRING FL 33870

EXHIBIT "B"  
PROPOSED WGUF AT CURRENT SITE

REFERENCE		CLASS C3	DISPLAY DATES
26 01 50 N			DATA 06-30-93
81 38 33 W		Current rules spacings	SEARCH 07-23-93
----- CHANNEL 284 -104.7 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WWUS.A	284C	Big Pine Key	FL	171.6	153.41	237.0	-83.59 *
WWUS	284C1	Big Pine Key	FL	171.6	153.41	211.0	-57.59 *
ALOPEN	285A	Solana	FL	336.4	98.43	89.0	9.43
WMMY.A	285A	Solana	FL	336.9	103.93	89.0	14.93
WRBQFM	284C1	Tampa	FL	339.1	227.33	211.0	16.33
WHQT	286C	Coral Gables	FL	92.8	143.68	96.0	47.68

JAMES M. JOHNSON & ASSOCIATES  
3750 US 27 NORTH SEBRING FL 33870

EXHIBIT "C"  
WWUS ON FIRST LOWER ADJACENT CHANNEL

REFERENCE  
24 39 38 N  
91 25 10 W

CLASS C1  
~~Grant rules readings~~

DISPLAY DATES  
DATA 06-30-93  
SEARCH 07-22-10

EXHIBIT "D"

PROPOSED WGUF, MARCO, FLORIDA

Increase in Population Served

Population within 1 mv contour			
	Present	Proposed	Increase
Proposed 284C3	114,285	149,108	34,823
Proposed 284C2	114,285	173,339	59,054

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Respectfully submitted,

**NAPLES BROADCASTING CORPORATION**

By: 

Gary S. Smithwick  
Its Attorney

**SMITHWICK & BELENDIUK, P.C.**  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 785-2800

July 26, 1993

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 26th day of July, 1993, copies of the foregoing were mailed, postage prepaid, to the following:

Richard L. Silva  
35 Sombrero Blvd.  
Marathon, FL 33050  
(Permittee for Station WKKB(FM))

Key Chain, Inc.  
5500 W. W. 98th Paris  
Miami, FL 33156  
(Licensee for Station WAVK(FM))

James M. Weitzman, Esquire  
Allan G. Moskowitz, Esquire  
Kaye, Scholer, Fierman,  
Hayes & Handler  
901 15th Street, N.W.  
Suite 1100  
Washington, D.C. 20005  
(Attorneys for Petitioner)

  
Patricia A. Neil